

Remarks:

The applicant's invention is directed toward a package
5 product having a soufflé' type cup holding bean and/or cheese
condiments, i.e. dip that is complimentary to the tortilla
chip product in the larger plastic package.

None of the prior art teaches the idea of such a retail
10 package (i.e. the combination of dip/chips) where dips such
as cheese dip or bean dip is contained in a soufflé' type of
container that has a cup and an overlay over the cup that
can be torn off.

15 Reference U' does not teach the idea of dip, i.e. namely
bean dip or cheese dip in association with a soufflé' cup
that is part of the present invention. Reference U' mentions
the use of salsa in a container, it is not known, in fact
what sort of container is contemplated by this reference
20 which seems to also have to do with barbecue sauces and
catsup.

Nor does reference U' provide any teaching of the
preferability or desirability of combining soufflé' cups used
25 in other applications with that of reference U'. Ref. U'
appears to be a one paragraph abstract of a possible product
to be released on the market. It has no diagrams or pictures
to accompany the product that is mentioned there.

30 Ref. U' does not speak to the motivations of the inventor of
the product described there or of problem solving function of
this invention. In fact we don't know who that inventor is or
what were his reasons for inventing the product that is
referenced here. Hence there is little or no teachings of any
35 merit in this reference. Moreover there are no teaching that

can suggest an obviousness type reason for combining this reference with other references for section 103 purposes.

Furthermore a perusal of the actual ingredients of the ref.

5 U' product shows that the primary purpose of ref. U' is to hold barbecue sauce, chili sauce and catsups. It is well known in the industry of fast foods that sauces like these are usually held in burst packages. There is no other suggestion or motivation in the prior art to suggest the
10 substitution of soufflé' cups for bursts packages in either this invention or others in the prior art. In fact, the prior art in so far as we understand it (i.e. the industry standard for sauce holding packages) would teach away from, rather than suggest, the applicant's invention.

15

Ref. V' deals with salsa and does not mention what type of package for the salsa, merely referring to it as "a package." Thus there is no teaching or suggestion that suggests substituting a soufflé' type cup for the package or
20 substituting dip for salsa. There is nothing noted in this reference that suggests how the product is to be used or what were the motivations of the inventor in inventing this product. There is no teaching or suggestion of substituting dip for salsa and or substituting a soufflé' cup for a
25 package.

Again this product appears to deal with catsup, barbecue and chili sauces. Such sauces are traditionally sold in the industry through burst type packages.

30

Ref. V" also does not show or suggest the use of dip or a soufflé cup. Again the reference is a one paragraph product release of a product that might hit the market, there are no teachings of what was the purpose or the motivation of that
35 inventor and his product. There is no suggestion either in that reference of in any of the references of substituting

dip for the salsa of ref. v" nor are there any teachings or suggestions for substituting a soufflé' cup for the package of that invention.

5 Ref. U appears to use a cheddar cheese/jalapeno dip used in connection with the product. Again, the reference appears to be nothing more than an abstract of a product that is to be placed on the market. There are no diagrams or pictures to accompany the product release. There is no teaching on how to
10 make and/or use the product. All that is said is that it is a "0.3 oz. container."

Moreover, the product release does no teach or suggest that a soufflé' type cup, as contemplated by the applicant can be
15 substituted for the package mentioned in the ref. U for the purpose of holding the dip of the applicant's invention.

Again there is little or nothing that is stated for the motivations of this inventor of the product referred here
20 (ref. U) , or what problems in the prior art that that product appears to solve. Moreover, there is nothing stated about how to use the invention and nor is there anything stated about what possible modifications might be made to this product in order to make it perform better. Thus there
25 is no teaching or suggestion in ref. U that shows or suggests the preferability or desirability of substituting the applicant's soufflé' type cup for the package of that invention.

30 Again based on the industry standard in this field, the prior art suggests that burst packages are to be preferred and hence the prior art teaches away from the applicant's idea of using a soufflé type cup in his invention.

35 None of the rest of prior art cited teach the idea of holding dip in a soufflé' type of container. The rest of the prior



art mentions containers other than soufflé' cups. see for example: "a sachet" (ref. w) "plastic pouch" (ref. x) "small bags" (ref. n) a packet (ref. v) "a container" (ref. v").

5 Of these other prior art references, only reference x deals with dip, and again, does not deal with a soufflé' cup, it has to do with a plastic pouch. There is no teaching or suggestion in this prior art that shows the preferability or desirability of substituting a soufflé' cup for a plastic
10 pouch.

RECEIVED

SEP 14 2001

TC 1700

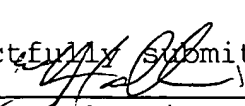
Nor does the applicant's discussion of prior art admits that putting dip in a cup is shown or suggested in the prior art.

15 The applicant's use of a bean dip or cheese dip in connection with a soufflé' type of container in a second larger package containing chips is neither shown nor suggested by the prior art. There are no teaching sin the prior art that suggest the preferability or desirability of substituting dip for salsa
20 in such product packaging. Nor are there any teachings that show or suggest the idea of substituting soufflé' type cups for other "packages" such as burst packages in the prior art.

The distinguishing elements are recited in the amended
25 claims. It is believed that application is now in condition and we respectfully request that letters patent be granted.

30

Respectfully submitted,



John P. Halvonik
Registry No. 32,796
Attorney for applicant

35

Law Offices of John P. Halvonik
806 West Diamond Ave.
Suite 301
Gaithersburg, MD. 20878

301-930-9393 JAH

(301) 990-9393



5

RECEIVED

SEP 14 2001

TC 1700